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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/403,796 10/25/99 SHAH

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QM12/1002

EXAMINER

GOODMAN, C

ART UNIT	PAPER NUMBER
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3724

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DATE MAILED: 10/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/403,796

Applicant(s)

SHAH, MUMTAZ

Examiner

Charles Goodman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
- ☐ received.
 - ☐ received in Application No. (Series Code / Serial Number) _____.
 - ☒ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

1. The Preliminary Amendment filed on October 25, 1999 has been entered.

Specification

2. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
 - (b) Cross-References to Related Applications.
 - (c) Statement Regarding Federally Sponsored Research or Development.
 - (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
 - (e) Background of the Invention.
 1. Field of the Invention.
 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
 - (f) Brief Summary of the Invention.
 - (g) Brief Description of the Several Views of the Drawing(s).
 - (h) Detailed Description of the Invention.
 - (i) Claim or Claims (commencing on a separate sheet).
 - (j) Abstract of the Disclosure (commencing on a separate sheet).
 - (k) Drawings.
 - (l) Sequence Listing (see 37 CFR 1.821-1.825).
3. The disclosure is objected to because of the following informalities:
 - i. The specification lacks proper headings. Note *supra*.
 - ii. P. 4, l. 21 - p. 5, l. 1, the phrase "wheel 2" should read -- wheel 22 --. Note p. 4, l. 18.

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- iii. P. 5, l. 4, the phrase "wheel 14" should read -- wheel 22 --. Note p. 4, l. 18. In l. 6, the phrase "pressure exerting members 22" is not clearly understood. As noted *supra*, reference "22" has been used to designate a "wheel" and not a "pressure exerting member" *per se*. Thus, what is the phrase referring to?

Appropriate correction is required.

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the window in the lower part (claims 12 and 19) and the means for exerting pressure on the lower part (claim 13) must be shown or the features canceled from the claims. No new matter should be entered.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 6-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i. The following phrases lack clear antecedent basis: (claim 6, l. 13 and claim 13, l. 13) "the vicinity"; (claims 7-8 and 14-15) "the only mechanical connection..."

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- ii. Claim 12 is vague and indefinite in that it is not clear what the claim encompasses. Where is this “window” in the lower part shown or discussed?
The same applies to claim 19.
- iii. Claim 13 is vague and indefinite in that it is not clear what the claim encompasses. What is the “means for exerting pressure *on said lower part...*” referring to? Where is this shown or discussed?

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. As best understood, claims 6-9 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Chuang.

Chuang discloses a plastic film cutter comprising all the elements claimed including, *inter alia*, a lower part 323, 324, 325, 326; an upper part 308; a gap (not designated by reference but see Figs. 3C-3D); a cutting blade 319, 320; means for exerting pressure 309-312; and a holder 329. See whole patent.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. As best understood, claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang in view of Shah (GB 2,223,976).

Chuang discloses the invention substantially as claimed except for matching sinusoidal faces on the upper and lower parts. However, Shah teaches a cutting device comprising upper and lower parts 3, 2 having matching sinusoidal faces (Fig. 6) which enhances tensioning of sheet material 1 to be cut. See Fig. 6, p. 4, ll. 6-15. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Chuang with the sinusoidal matching faces as taught by Shah in order to facilitate enhanced tensioning of the sheet material to be cut.

12. As best understood, claims 11-12 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang in view of Li.

Chuang discloses the invention substantially as claimed except for a window. However, Li teaches a window (the cut out portion above 24 in Fig. 1) which inherently serves as a means to visually observe the cutting action or the line of cut. See Fig. 1. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the device of Chuang with the window as taught by Li in order to facilitate proper alignment and cutting of the sheet material.

13. As best understood, claims 6-9, 11-16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Campbell Jr..

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Li discloses the invention substantially as claimed including upper and lower parts 1, 2, a gap therebetween (not designated by reference but see Fig. 1), a cutting blade 23, and a blade holder 22. See whole patent. However, Li lacks a means for exerting pressure. In that regard, Campbell Jr. teaches a cutter having a means for exerting pressure or roller 17 disposed immediately in front of a cutting blade 14 for the purpose of placing the sheet material to be cut under tension. See Figs. 2-5, c. 3, ll. 5-37. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the device of Li with the means for exerting pressure as taught by Campbell Jr. in order to facilitate enhanced tensioning of the sheet material during cutting.

14. As best understood, claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Campbell Jr. as applied to claims 6-9, 11-16, 18, and 19 above, and further in view of Shah (GB 2,223,976).

The modified device of Li discloses the invention substantially as claimed including substantially matching faces that facilitate sinusoidal shaping of the material to be cut and thereby provide tension. See Figs. 1-6. However, the faces themselves are not sinusoidal. In that regard, Shah teaches that sinusoidal matching faces is a well known face shape in the art. More specifically, Shah teaches a cutting device comprising upper and lower parts 3, 2 having matching sinusoidal faces (Fig. 6) which enhances tensioning of sheet material 1 to be cut. See Fig. 6, p. 4, ll. 6-15. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Li with the sinusoidal matching faces as taught by Shah in order to facilitate tensioning of the sheet material to be cut or to substitute the sinusoidal faces of Shah for the non-sinusoidal faces of Li, modified, since either shapes are

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deemed to be equivalent means of tensioning and to substitute one for the other would have been an obvious matter of design choice, and since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art, especially since such a change does not render unexpected or unobvious results. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Conclusion

15. Lindberg, Tsai, Chen, Anderson et al, Adams, Allen, Hittepole, Benson, Cook, and Cohn are cited as pertinent art.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached on (703) 308-2187. The fax phone number for this Group is (703) 305-3579.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [rinaldi.rada@uspto.gov].


All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record

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includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.


Charles Goodman
Patent Examiner
AU 3724

cg 
September 27, 2000